UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,539	05/15/2006	Alex Marti Mercade	TJA-121US	9226

23122 7590 04/10/2007

RATNERPRESTIA
P O BOX 980
VALLEY FORGE, PA 19482-0980

EXAMINER	
SINGH, KAVEL	
ART UNIT	**PAPER NUMBER**
3651	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/535,539	MERCADE ET AL.	
	Examiner	Art Unit	
	Kavel P. Singh	3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 January 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *5/18/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1,11, and 14 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1,2, and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mojden U.S. Patent No. 5,450,679 in view of Gamberini U.S. Patent No. 4,883,163. Claim 1, Haub teaches transferring upright and aligned articles from a first (2) to a second conveyor (4), a thrusting wheel (15) driven in a rotary fashion by driving means and having radial blades (41), Haub teaches a stationary curved support track (20) provided below the radial blades (41), the articles being pushed by the radial blades (41) on and along the support track (20) between a delivery end of an inlet conveyor (2) and a reception end of an outlet conveyor (4), and railing means along at least one part of the support track (20), the inlet conveyor (2) is a conveyor adapted to convey articles upright on their base on a transfer surface, but does not teaches as Kummer teaches an outlet conveyor is an overhead conveyor (16) adapted to convey articles hanging from a projecting configuration (Fig. 1) on a top part thereof along sustaining guides of the overhead outlet conveyor, with the support track (17) of the transfer unit being

connected to vertical movement means that can be driven to adapt the vertical distance between the support track and the sustaining guides of the outlet conveyor to articles having the projecting configuration at different heights (C2 L30-35). At the time of the invention, it would have been obvious to one of ordinary skill to use a vertical conveyor for the outlet conveyor into the invention of Haub as taught by Kummer in order to allow constant movement of parts onto the transfer conveyor.

Claim 2, Haub teaches the support track (20), but does not move in the vertical direction. Kummer teaches a support track (17) can be moved by the vertical movement means between a top position suitable for small size articles, in which the support track (17) is substantially level with the transfer surface of the inlet conveyor, and at least one lower position suitable for medium or large size articles, in which the support track (17) is at a lower level than the transfer surface of inlet conveyor, with articles passing from transfer surface to the support track (17) by falling by their own weight as they are moved within areas delimited at least by the radial blades (14) and the railing means. At the time of the invention, it would have been obvious to one of ordinary skill to incorporate vertical movement into the invention of Haub as taught by Kummer in order to allow constant movement of parts onto the transfer conveyor.

Claims 11 and 12, Haub teaches a delivery end of the inlet conveyor (2) is made up of a transfer surface level with a stationary support plane (20) arranged below the open bottom walls of drop chutes associated with a rotary structure (15) of an adjustable article positioning machine, with the articles being pushed along the stationary support plane by walls of the drop chutes and diverted towards the transfer surface by stationary

deflecting means, with drop chutes of the adjustable positioning machine having multiple compartments of adjustable width for different size articles, with the adjustable positioning machine being capable of filling several of the compartments of each drop chute with upright articles during each turn of the rotary structure (Fig. 1).

Claim 13, Haub teaches the predetermined angular separations between the radial blades (41) along the respective the first and second circular coaxial structuresbut does not teach as Kummer are adapted to the separations between the drop chutes in the rotary structure of the adjustable positioning machine and can be adjusted according to the adjustment of said compartments in said drop chutes (C2 L65-70). At the time of the invention, it would have been obvious to one of ordinary skill to allow adjustability of the positioning machine into the invention of Haub as taught by Kummer in order to convey a variety of articles with minimal changeover to the machine.

Claim 14, Haub teaches the driving means rotate the thrusting wheel (15) at a speed such that the radial blades (41) thereof move at the same tangential speed as the drop chutes of rotary structure (15) of the adjustable positioning machine.

Claims 3,4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haub U.S. Patent No. 2,362,132 in view of Kummer U.S. Patent No. 2,822,911 in further view of Gamberini U.S. Patent No. 4,883,163.

Regarding claims 3,4, and 5, Haub teaches a rotary wheel conveyor with an infeed and overhead-outfeed system, but does not allow for height adjustability. Gamberini teaches a support track that can be moved by vertical movement means by sleeve (23) and nut (26) connected by a flexible traction element driven by a pinion gear or drive

pulley connected to a power shaft with a speed reducer of driving means to rotate the sleeve in a direction (C4 L16-25). At the time of the invention, it would have been obvious to one of ordinary skill to implement an powerized adjustment device into the invention of Haub as taught by Gamberini for flexibility and ease adjustability between the transfer conveyor.

Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haub U.S. Patent No. 2,362,132 in view of Kummer U.S. Patent No. 2,822,911 in further view of Yuri U.S. Patent No. 4,974,716.

Regarding claims 6,7, and 8, Haub teaches a rotary wheel conveyor with an infeed and overhead-outfeed system, but does not disclose multiple rotary units. Yuri discloses a thrusting wheel (2) made up of first and second circular structures, on opposite sides and the radial blades (15) are attached to the circular structures at predetermined angles and attachment means to provide adjustment between radial blades with speed reducer (C2 L35-45). At the time of the invention, it would have been obvious to one of ordinary skill to implement multiple circular units into the invention of Haub as taught by Yuri for allow for constant production if one rotary system is to fail.

Claim 9 and 10, Haub teaches a rotary wheel conveyor with an infeed and overhead-outfeed system, but does not disclose multiple rotary units. Yuri discloses a guide means in respect to the center of the thrusting wheel in the first (2) or second (16) circular coaxial structures, where the guide followers (25) are attached to the coaxial structures and arranged to move with the guide means and releasable attachment for blocking first and second circular structures in angular position (C3 L1-5). At the time of

the invention, it would have been obvious to one of ordinary skill to implement adjustable multiple circular units into the invention of Haub as taught by Yuri order to allow multiple parts sizes to be transported.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kavel P. Singh whose telephone number is (571) 272-2362. The examiner can normally be reached on M-F 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KPS

GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER